



**PRESENT:**

Mr. Daniel A. Gecker, Chairman  
Mr. Sherman W. Litton, Vice-Chairman  
Mr. Jack R. Wilson, III  
Mr. Russell J. Gulley  
Mr. F. Wayne Bass  
Mr. Kirkland A. Turner, Secretary to the Commission,  
Planning Director

**ALSO PRESENT:**

Mr. Glenn E. Larson, Assistant Director, Plans and Information  
Branch, Planning Department  
Ms. Beverly F. Rogers, Assistant Director, Zoning and  
Special Projects, Planning Department  
Mr. Robert V. Clay, Principal Planner, Zoning and  
Special Projects, Planning Department  
Ms. Jane Peterson, Principal Planner, Zoning and  
Special Projects, Planning Department  
Ms. Darla W. Orr, Senior Planner, Zoning and  
Special Projects, Planning Department  
Mr. Fred Moore, Planner, Zoning and  
Special Projects, Planning Department  
Mr. Gregory E. Allen, Planning Administrator,  
Development Review, Planning Department  
Mr. Jeffrey H. Lamson, Senior Planner, Development  
Review, Planning Department  
Mr. Doug Mawby, Senior Planner, Development  
Review, Planning Department  
Mr. Zachary L. Robbins, Planner, Development  
Review, Planning Department  
Mr. David A. Hainley, Planning Administrator,  
Development Review, Planning Department

Ms. Barbara Fassett, Planning Administrator, Advance Planning  
and Research Branch, Planning Department  
Mr. James K. Bowling, Principal Planner, Advance Planning  
and Research Branch, Planning Department  
Mr. Steven F. Haasch, Planner, Advance Planning and  
Research Branch, Planning Department  
Ms. Linda N. Lewis, Administrative Assistant, Administrative  
Branch, Planning Department  
Ms. Deanna D. Harkabus, Secretary, Administrative  
Branch, Planning Department  
Mr. Steven L. Micas, County Attorney,  
County Attorney's Office  
Mr. David W. Robinson, Assistant County Attorney,  
County Attorney's Office  
Ms. Tara McGee, Assistant County Attorney,  
County Attorney's Office  
Mr. Allan M. Carmody, Budget Manager,  
Budget and Management Department  
Mr. R. John McCracken, Director,  
Transportation Department  
Mr. Richard M. McElfish, Director,  
Environmental Engineering Department  
Ms. Joan Salvati, Water Quality Administrator,  
Environmental Engineering Department  
Mr. Douglas Pritchard, Jr., Engineering Supervisor,  
Environmental Engineering Department  
Mr. Randolph Phelps, Senior Engineer,  
Utilities Department  
Ms. Jennifer Wampler, Planner, Parks Maintenance Division,  
Parks and Recreation Department  
Battalion Chief R. Michael Hatton, Acting Deputy Chief,  
Support Services, Fire Department  
Dr. Billy K. Cannaday, Jr., Superintendent,  
School Administration  
Ms. Cynthia Owens-Bailey, Director of Planning,  
School Administration  
Mr. Charles Dane, Airport Manager,  
Chesterfield County Airport

### **WORK SESSION**

At approximately 12:00 p. m., Messrs. Gecker, Litton, Wilson, Gulley, Bass and staff met in Room 502 of the Chesterfield County Administration Building for lunch and a work session to discuss the following:

**A. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.**

- B. **Review Day's Agenda.**  
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)
- C. **Plans and Information Section Update.**
- D. **Work Program – Review and Update.**
- E. **Overview of Board of Supervisors' Growth Retreat.**
- F. **Deferred Item:**
  - ◆ **Appointments to Housing Committee.**
- G. **Consideration of the following Administrative Substantial Accord Determination:**

<b><u>CASE AND DISTRICT</u></b>	<b><u>APPLICANT</u></b>	<b><u>REQUEST</u></b>	<b><u>PROJECT NAME</u></b>
05PD0101	Chesterfield County Public Schools	Substantial Accord Determination	Genito Road High School

**A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

Mr. Turner requested the addition of new Item H., Initiate a Zoning Application at Chesterfield Industrial Park to the Work Session agenda and a Resolution Recognizing Thomas E. Jacobson to Item C., Review Meeting Procedures of the 7:00 p. m. Evening Session agenda.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission amended the agenda to add new Item H., Initiate a Zoning Application at Chesterfield Industrial Park to the Work Session agenda and a Resolution Recognizing Thomas E. Jacobson to Item C., Review Meeting Procedures of the 7:00 p. m. Evening Session agenda; and reordered the agenda accordingly.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

**B. REVIEW DAY'S AGENDA.**

Mr. Allen updated the Commission as to the status of, and staff's recommendation for, the requests to be considered during the Afternoon Session.

During discussion of the 3:00 p. m. Session agenda, Mr. Turner declared a conflict of interest pursuant to the Virginia Conflict of Interest Act relative to Case 04PW0380, Episcopal Church of the Redeemer-Project Swing, noting he and his family were members of the church and excused himself from the meeting at approximately 12:36 p. m.

Upon conclusion of the discussion relative to Case 04PW0380, Episcopal Church of the Redeemer-Project Swing, Mr. Turner returned to the meeting at approximately 12: 37 p. m.

Mr. Rogers updated the Commission as to the status of, and staff's recommendation for, the zoning requests to be considered during the Evening Session, as well as the upcoming caseloads.

**C. ADVANCE PLANNING AND RESEARCH BRANCH PROJECTS UPDATE.**

Ms. Carter updated the Commission as to the status of ongoing citizens meetings relative to the Chester Village Plan Amendment, noting staff anticipated bringing forward a draft in Fall 2004 for the Commission's review.

Mr. Bowling updated the Commission as to the status of ongoing citizens meetings relative to the Upper Swift Creek Plan Amendment, noting staff anticipated bringing forward a draft in late September 2004 for citizens review. He further noted the amendment to the Central Area Plan, to include the Government Center, would be considered by the Board of Supervisors at their July 28, 2004, public hearing.

**D. WORK PROGRAM.**

Upon conclusion of discussion relative to the Commission's Work Program, it was the consensus of the Commission to adopt their August 2004 Work Program, as outlined by Mr. Turner.

**E. OVERVIEW OF BOARD OF SUPERVISORS' GROWTH RETREAT.**

Mr. Micas presented a PowerPoint presentation and summarized actions by the Board of Supervisors relative to the June 25, 2004, Growth Management Retreat.

There was discussion relative to the summary of growth retreat actions from the Board of Supervisors; the impact of the actions upon the Planning Commission and staff; time frame for completion of staff recommendations; and other issues.

Upon conclusion of the discussion, the Commission requested staff provide a timetable for completion of staff recommendations at the August 17, 2004, Work Session for discussion.

On motion of Mr. Wilson, seconded by Mr. Litton that the Commission adopted the following time frames for completion of the Growth Management Retreat actions from the Board of Supervisors:

**SUMMARY OF GROWTH RETREAT ACTIONS IMPACTING PLANNING COMMISSION/STAFF  
AND  
TIMEFRAME FOR COMPLETION.**

**1. DIFFERENTIAL CASH PROFFER:**

- ◆ "(i) Accept 100% of cash proffer for residential development in deferred growth areas; (ii) recognize 'credit' for infill development based on the availability of the existing capital improvements; and (iii) recognize 'credit' for phased or delayed residential development in deferred growth area. **(So-called differential cash proffer).**"

**BOS Action:** Send to Planning Commission to study and prepare a recommendation for the Board of Supervisors by **December 31, 2004.**

Committee in place and will go forward; if not finished by 12/31/04 will ask BOS for extension.

2. **TRANSPORTATION COMMERCIAL GROWTH:**

- ◆ **“Update transportation methodology to recognize current understandings that residential growth generates automobile traffic typically allocated to commercial growth.”**

**BOS Action:** Send to Planning Commission to study and prepare a recommendation for the Board of Supervisors by **December 31, 2004**.

Staff bring forth recommendation by September.

3. **WHEN CASH PROFFERS ARE APPLICABLE:**

- ◆ **“Change policy to calculate cash proffer amount at time Board makes zoning decision rather than at time of application for zoning.”**

**BOS Action:** Send to Planning Commission to study and prepare a recommendation for the Board of Supervisors by **December 31, 2004**.

Staff bring forth recommendation by September.

4. **RESIDENTIAL DEVELOPMENT STANDARDS:**

- ◆ **“Upgrade residential development standards and establish differential development standards. Mandate additional improvements such as sidewalks, curb and gutter, parkway entrances, streetscape improvements and street lights, for residential developments.”**

**BOS Action:** Send to Planning Commission to study and prepare a recommendation for the Board of Supervisors **without a priority deadline**.

Staff to establish realistic timeframe by August.

5. **ELIMINATE R-12:**

- ◆ **“Eliminate R-12 zoning category.”**

**BOS Action:** Send to Planning Commission to be considered by the differential cash proffer committee **without a priority deadline**. The Planning Commission should consider the possibility of tailoring the elimination of R-12 to “hot spots”.

Staff to establish realistic timeframe by August.

6. **URBANISM:**

- ◆ **“Create new zoning category for emerging ‘urbanism’ residential designs.”**

**BOS Action:** Staff to prepare a **recommendation for consideration by the Planning Commission.**

Already underway; Staff to establish realistic timeframe by August.

7. **CASH PROFFERS FOR ROADS:**

- ◆ **“Expand cash proffers to subdivisions by accepting cash proffers for roads as part of subdivision approval. Program should be coupled with enactment of enhanced level of service requirements for subdivision roads. Subdivider could provide off-site improvements or elect to proffer cash.”**

**BOS Action:** Staff to **prepare a draft and send to Planning Commission** for consideration.

Staff to establish realistic timeframe by August.  
Bring back in August.

8. **RESIDENTIAL PLUS:**

- ◆ **“Comprehensive rezoning of Agricultural in deferred growth area and all high-density residential to new ‘Residential Plus’ zoning category providing for residential and commercial/office development depending on compliance with specified development criteria. Example: High density residential permitted in new R-P zone only if roads kept at level B for 20 years. Lower density permitted with level C. Service level D for commercial. Would require change to comprehensive plan.”**

**BOS Action:** Staff to **prepare a draft and send to Planning Commission** for consideration.

No priority deadline.

9. **TIP POINT CRITERIA:**

- ◆ **“Modify rate of residential growth based on infrastructure capacity or based on level of commercial development/number of jobs created by proposed development. **Establish ‘tip point’ criteria which trigger greater growth control measures.** If residential growth rate exceeds 2.5%, require roads to be at B level of service for 20 years, require 6 minute fire/EMS response, or require maximum 0.22 pounds total phosphorus loading per acre, per year in order to obtain zoning.”**

**BOS Action:** Staff to prepare options for consideration by the Board of Supervisors that would then be sent to the Planning Commission.

No priority deadline.

**10. INCREASE SIDE YARD SETBACK REQUIREMENTS:**

- ◆ “Increase setback requirements for side yards in residential zoning districts. Although this would not affect minimum lot sizes, developers would often need to increase the size of particular lots in order to meet the increased set back, resulting in fewer developable lots.”

**BOS Action:** Staff to prepare options in R-7 and R-9 to be considered by the Planning Commission.

No priority deadline.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

**F. DEFERRED ITEM:**

◆ **APPOINTMENTS TO HOUSING COMMITTEE.**

There was discussion relative to the addition of a representative from the residential community and a request from the Commission to contact a suggested nominee and/or other nominees to be determined to ascertain if they wished to serve on the Committee. The Commission requested staff provide the information for action at the August 17, 2004, Planning Commission Work Session.

On motion of Mr. Litton, seconded by Mr. Bass, the Commission appointed the following individuals to serve on the Housing Committee:

- ◆ Marilyn Breslow (RISC –Richmonders Involved to Strengthen Our Communities);  
Susan Genovese (Vice President State Board of Education; LISC (Local Initiatives Support Corporation of Richmond) Local Advisory Committee Member;  
Penny Johnson (Assistant Vice President, Community Development, Wachovia);  
Jim Napier (Napier Realty);  
David Root (Homebuilders Association);  
T.K. Somanath (Executive Director, Better Housing Coalition); and  
Reuben Waller (Waller Realty Services).

**Chesterfield County Planning Department Staff:**

Barbara Fassett, Planning Administrator – 748-1081  
Steve Haasch, Senior Planner – 796-7192

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

**G. CONSIDERATION OF THE FOLLOWING ADMINISTRATIVE SUBSTANTIAL ACCORD DETERMINATION:**

<b><u>CASE AND DISTRICT</u></b>	<b><u>APPLICANT</u></b>	<b><u>REQUEST</u></b>	<b><u>PROJECT NAME</u></b>
05PD0101	Chesterfield County Public Schools	Substantial Accord Determination	Genito Road High School

Dr. Billy Cannaday, the applicant's representative, indicated a public hearing of the request on August 17, 2004, would be acceptable.

On motion of Mr. Litton, seconded by Mr. Bass, the Commission resolved to vacate the Director of Planning's decision that Case 05PD0101, Chesterfield County Public Schools Administrative Substantial Accord Determination (Genito Road High School) complied with the adopted Comprehensive Plan and set the request for public hearing at 7:00 p. m. on August 17, 2004.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

**H. INITIATE A ZONING APPLICATION AT CHESTERFIELD INDUSTRIAL PARK.**

Mr. Turner presented an overview of the request and staff's recommendation, noting a handout distributed by staff.

Mr. Gecker expressed concern that the item was added to the agenda with no previous information provided in the Commission's materials packet; that the only information being distributed was a map; and asked that clarification be provided.

There was discussion relative to whether the Board of Supervisors or Planning Commission should initiate the application for rezoning at the Chesterfield Industrial Park; the lack of substantive information being provided to the Commission; the perception that the request had not been processed through the appropriate channels; and other concerns.

Mr. Litton made a motion, seconded by Mr. Wilson, that the Commission authorize an application to amend Case 91SN0222 to permit a contractor's office and to increase the area permitted for outside storage on those parcels shown on the map prepared by the Planning Department dated July 19, 2004.

Mr. Gecker indicated he was uncomfortable supporting the request as presented and did not feel it appropriate for the Commission to make such decisions, given that the Commission typically did not initiate zoning applications of this nature.

Mr. Gulley expressed concerns regarding there being no disclosures provided for the Commission to determine any potential conflicts of interest.



Mr. Gecker concurred with Mr. Gulley, noting that initiation of the application encompassed financial implications and potential conflicts of interest for all individuals involved.

At this time, Mr. Wilson withdrew his second to the motion.

There being no action, the motion to initiate a zoning application for the Chesterfield Industrial Park failed.

There being no further business to come before the Commission, the Work Session was adjourned at approximately 2:51 p. m., with the Commission agreeing to reconvene in Room 502 at 3:00 p. m. for the Afternoon Session.

### **3:00 P. M. AFTERNOON SESSION**

Mr. Gecker, Chairman, called the Afternoon Session to order at approximately **3:03** p. m. in Room 502 of the Chesterfield County Administration Building.

#### **A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

There were no requests to postpone action, emergency additions or changes in the order of presentation.

#### **B. APPROVAL OF PLANNING COMMISSION MINUTES.**

Mr. Turner stated that the first order of business would be the consideration of the June 15, 2004, Planning Commission minutes.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to defer the June 15, 2004, Planning Commission minutes to the August 17, 2004, Planning Commission meeting.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

#### **C. CONSIDERATION OF THE FOLLOWING REQUESTS:**

##### **♦ CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

**04PR0338:** In Clover Hill Magisterial District, **ARTISTIC STONE DESIGN, INC.** requested Planning Commission approval for the screening of outside storage, per zoning Condition 13 of Case 85S017. This development is commonly known as **ARTISTIC STONE DESIGN**. This request lies in a Light Industrial (I-1) District on a 1.14 acre parcel fronting approximately 125 feet on the south line of International Drive and better known as 11311 International Drive. Tax ID 742-707-5966 (Sheet 6).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved that approval for the screening of outside storage per Condition 13 of zoning Case 85S017 for Case 04PR0338, Artistic Stone Design, Inc. (Artistic Stone Design), shall be and it thereby was granted, subject to the following condition:

CONDITION

The screening fence shall be constructed in accordance with this condition and the attached elevations titled "Decorative Fence Detail" prepared by Balzer and Associates, Inc., dated June 29, 2004. The screening fence shall be a minimum of six (6) feet in height with posts generally spaced eight (8) feet apart. Along the rear (south) property line, masonry columns compatible with the building masonry shall be constructed at each end of the south line, and on either side of the proposed vehicular gates located at the terminus of Business Center Drive. The extent of the fence shall be as indicated on the attached site plan.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

**04PS0369:** In Midlothian Magisterial District, **MARY KATHERINE NELSON** requested schematic approval for extension of the time limitation to an exception to parking and driveway paving requirements. These exceptions were permitted originally by zoning Case 89SN0139, Condition 1. This project is commonly known as **TABBY & PUP CAT & DOG SUPPLIES**. This request lies in a Residential (R-7) District on a .7 acre parcel located north of Midlothian Turnpike at 1201 Crowder Drive. Tax ID 729-708-4468 (Sheet 5).

Ms. Mary Katherine Nelson, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved that schematic approval to extend the time limitation to exceptions to parking and driveway paving requirements, as outlined in Condition 1 of 89SN0139, addressing number of parking spaces and paving requirements, for Case 04PS0369, Mary Katherine Nelson (Tabby & Pup Cat & Dog Supplies), shall be and it thereby was granted.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

**04PS0379:** In Midlothian Magisterial District, **PENCE AUTOMOTIVE GROUP** requested schematic approval of architectural plans for a building renovation and addition, as required by Case 84SN0079. This project is commonly known as **PENCE SUBARU/KIA**. This request lies in a Community Business (C-3) District on a 13.22 acre parcel located in the southwest quadrant of the intersection of Midlothian Turnpike and Murray Olds Road. Tax ID 738-707-4891 (Sheet 6).

Mr. Jack Shady, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved that schematic approval of architectural plans for building renovations and additions, as required by Case 84S079 for Case 04PS0379,

Pence Automotive Group (Pence Subaru/Kia), shall be and it thereby was granted, subject to the following condition:

CONDITION:

The red accent band shall be deleted. The applicant may submit revised subdued colors for these portions of the building to the Planning Department for approval.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

**04PS0382:** In Matoaca Magisterial District, **BON SECOURS RICHMOND** requested schematic approval for a sign package, as required by zoning Case 86SN0025. This project is commonly known as **ST. FRANCIS MEDICAL CENTER SIGN PACKAGE**. This request lies in Residential (R-7) and Community Business (C-3) Districts on three (3) parcels located at Center Pointe Parkway at Charter Colony Parkway. Tax IDs 726-694-0343, 8763 and 726-695-0706 (Sheet 9).

Ms. Annette Anderson, representing Signs Unlimited, accepted staff's recommendation, on behalf of the applicant.

The Commission expressed concern that the applicant was not present to represent the request.

Ms. Anderson indicated her associates were enroute and should be arriving shortly.

Mr. Bass suggested, and the Commission agreed, to place the case at the end of the agenda to facilitate arrival of the applicant.

**04PW0380:** In Midlothian Magisterial District, **PROJECT SWING** requested Planning Commission approval of a development standards waiver regarding paving. Specifically, permission is requested to install an additional parking area with a gravel surface. This project is commonly known as **EPISCOPAL CHURCH OF THE REDEEMER - PROJECT SWING**. This request lies in a Residential (R-15) District on a 9 acre parcel located in the east quadrant of the intersection of Salisbury and Winterfield Roads. Tax ID 725-715-5333 (Sheet 1).

Mr. Turner declared a conflict of interest pursuant to the Virginia Conflict of Interest Act relative to Case 04PW0380, Episcopal Church of the Redeemer-Project Swing, noting he and his family were members of the church and excused himself from the meeting at approximately 3:12 p. m.

Mr. Adrian Jacob, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission found Case 04PW0380, Project Swing (Episcopal Church of the Redeemer - Project Swing), substantially complied with the five (5) factors of Section 19-19 of the County Code and resolved to recommend approval of a development standards waiver to Section 19-575 of the Zoning Ordinance regarding paving, specifically permission is requested to install an additional parking area with a gravel surface, subject to the following condition:

## CONDITION

The surface treatment for the new parking lot must match the appearance of the surface treatment for the existing parking lot.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

Mr. Turner returned to the meeting at approximately 3:14 p. m.

### ◆ CASES WHERE THE APPLICANT DID NOT ACCEPT THE RECOMMENDATION AND/OR THERE WAS PUBLIC OPPOSITION OR CONCERN.

**04PM0356:** In Bermuda Magisterial District, **DR. SAMUEL W. GALSTAN** requested deferral to August 17, 2004, of consideration for Planning Commission approval for a buffer reduction in conjunction with the approval of a minor site plan for a building addition. This project is commonly known as **GALSTAN DENTAL OFFICE ADDITION**. This request lies in a Neighborhood Business (C-2) District on three (3) parcels fronting approximately 240 feet on the south line of Iron Bridge Road, also approximately 180 feet on the west line of East Booker Boulevard. Tax IDs 780-652-4572, 5268 and 5963 (Sheet 26).

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, requested deferral to the August 17, 2004, Planning Commission meeting to allow the applicant an opportunity to address staff concerns.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to defer Case 04PM0356, Dr. Samuel W. Galstan (Galstan Dental Office Addition), to the August 17, 2004, Planning Commission meeting.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

## **D. FIELD TRIP AND DINNER.**

### ◆ FIELD TRIP SITE SELECTION.

The Commission agreed to forego their Field Trip to visit requests sites.

### ◆ DINNER LOCATION.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to meet for dinner at 5:00 p. m. at John Howlett's Tavern.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

The Commission recessed at approximately 3:30 p. m.

The Commission reconvened at approximately 3:32 p. m.

At this time, Mr. Turner recalled Case 04PS0382, Bon Secours Richmond (St. Francis Medical Center Sign Package).

♦ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

**04PS0382:** In Matoaca Magisterial District, **BON SECOURS RICHMOND** requested schematic approval for a sign package, as required by zoning Case 86SN0025. This project is commonly known as **ST. FRANCIS MEDICAL CENTER SIGN PACKAGE**. This request lies in Residential (R-7) and Community Business (C-3) Districts on three (3) parcels located at Center Pointe Parkway at Charter Colony Parkway. Tax IDs 726-694-0343, 8763 and 726-695-0706 (Sheet 9).

Mr. Ed Gerado, representing the applicant, apologized for his tardiness and accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved that schematic approval for a sign package, as required by conditions of zoning, for Case 04PS0382, Bon Secours Richmond (St. Francis Medical Center Sign Package), shall be and it thereby was granted, subject to the following conditions:

**CONDITIONS**

1. The attached drawings by Signs Unlimited shall be considered the sign package for this project.
2. The only type "DIR-1" signs to be visible from offsite, shall be those shown on the attached drawing 8.00, indicated as Sign 2 and Sign 7. The Planning Department may approve additional directional signs as needed within the complex, so long as the design is consistent with this sign package.
3. Building-mounted signs shall generally comply with the standards in the attached letter from 2C Design Studio, dated June 29, 2004.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

**E. ADJOURNMENT.**

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission adjourned the Work Session at approximately 3:34 p. m., agreeing to meet for dinner at 5:00 p. m. at John Howlett's Tavern.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

### **7:00 P. M. EVENING SESSION**

At approximately 7:00 p. m., Mr. Gecker, Chairman, called the Evening Session to order.

#### **A. INVOCATION.**

Mr. Gulley presented the invocation.

#### **B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.**

Mr. Moore led the Pledge of Allegiance to the Flag.

#### **C. RESOLUTION RECOGNIZING THOMAS E. JACOBSON.**

Mr. Gecker introduced Mr. Tom Jacobson who was present to receive a resolution of recognition for his services to the Planning Commission.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission adopted the following resolution:

*WHEREAS*, Mr. Jacobson directed the growth and development of the County in an orderly fashion and with the highest standards; and

*WHEREAS*, Mr. Jacobson provided leadership to the Chesterfield Community as well as the region on planning matters; and

*WHEREAS*, Mr. Jacobson mentored numerous planners, architects and engineers in sound planning principals through seminars, conferences and as an adjunct professor at Virginia Commonwealth University; and

*WHEREAS*, Mr. Jacobson has given unselfishly of his personal time and commitment to the community; and

*WHEREAS*, During Mr. Jacobson's tenure, twenty-three (23) amendments to Chesterfield County's Comprehensive Plan, including the Upper Swift Creek Plan, the Southern and Western Area Plan, the Midlothian Area Community Plan, the Central Area Plan, the Chester Village Plan, the Consolidated Eastern Area Plan, the Public Facilities Plan and the Riverfront Plan, all of which have enhanced the growth and development of the County and are viewed nationally as reflecting sound principals and practices, were adopted; and

*WHEREAS*, Mr. Jacobson's leadership in planning for Chesterfield County's future has resulted in the adoption of such growth management tools as the County's rural conservation area and utility extension policies; and

**WHEREAS**, Mr. Jacobson's commitment to Chesterfield's older communities is reflected in the County's adoption of the Ettrick Village Plan, the Jefferson Davis Corridor Plan and the Eastern Midlothian Plan; and

**WHEREAS**, Mr. Jacobson provided leadership and guidance for the development and ultimate adoption of an extraordinary number of Code Amendments to include, but not necessarily limited to, a Zoning Ordinance which incorporates development standards consistent with the goals and policies of the Comprehensive Plan; a Subdivision Ordinance which guides quality residential development; and utility ordinances which have fostered orderly growth and development; and

**WHEREAS**, Mr. Jacobson's commitment to both the new and the old has helped shape Chesterfield County for almost twenty (20) years by establishing sound urban design principles, protection of forested business corridors and development of commercial centers whose architecture and layout complement the surrounding community; and

**WHEREAS**, Mr. Jacobson helped establish the County's Historic Preservation Committee; and

**WHEREAS**, Under Mr. Jacobson's leadership, the Planning Department has become an invaluable resource in the provision of demographic and economic information for citizens, businesses and government.

**NOW, THEREFORE BE IT RESOLVED**, that the Chesterfield County Planning Commission on this *20<sup>th</sup> day of July 2004*, recognizes **Thomas E. Jacobson** as a national and County Leader in the planning profession and wishes him well in his new position as Director of Revitalization.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

The Commission presented the resolution to Mr. Jacobson and expressed their appreciation to Mr. Jacobson for his dedication, diligence, perseverance, patience and commitment to service to the Commission and wished him well in his new endeavor.

Mr. Jacobson expressed appreciation for the recognition, conveying his pride in the growth and development accomplishments achieved throughout the County. He wished the Commission well in their future endeavors, referencing the talented staff available to assist the Commission.

#### **D. REVIEW MEETING PROCEDURES.**

Mr. Turner apprised the Commission of the agenda for the next three (3) months, noting the August 17, 2004, agenda was comprised of ten (10) cases, the September 21, 2004, agenda was comprised of fifteen (15) cases and the October 19, 2004, agenda had a total of fifteen (15) cases.

#### **E. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

There were no requests to postpone action, emergency additions or changes in the order of presentation.

**F. CONSIDERATION OF THE FOLLOWING REQUESTS:**

◆ **REQUESTS FOR DEFERRAL BY STAFF.**

**04SN0232:** In Matoaca Magisterial District, **DOUGLAS SOWERS** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 242.3 acres fronting approximately 4,000 feet on the west line of Otterdale Road, approximately 1,500 feet south of Old Hundred Road. Tax ID 714-694-7687 (Sheet 9).

Mr. Harley Joseph, the applicant's representative, accepted the recommendation for deferral of the request to the August 17, 2004, Planning Commission meeting.

There was no opposition to the deferral.

The following motion was made at Mr. Bass' request.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission, on their own motion, resolved to defer Case 04SN0232 to the August 17, 2004, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **REQUESTS FOR DEFERRAL BY INDIVIDUAL PLANNING COMMISSIONERS.**

**04SN0267:** In Matoaca Magisterial District, **RANDELL L. HODGES AND SUSAN L. HODGES** requested Conditional Use and amendment of zoning district map to permit stock farm use (keeping of horses). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for rural conservation area use. This request lies in an Agricultural (A) District on 2.1 acres and is known as 14621 North Ivey Mill Road. Tax ID 735-631-2957 (Sheet 39).

Mr. and Mrs. Hodges, the applicants, indicated they were not aware that the request was being deferred.

Mr. Bass stated he had received six (6) letters from area property owners in opposition to the request and he felt a deferral was appropriate to allow him an opportunity to meet with the residents to discuss their concerns.

Mr. and Mrs. Hodges opposed the deferral, noting the area in which they lived was "horse country" and they were amazed at the opposition; that the process had been ongoing since March 2004; that there had been several deferrals of the request; and that continued deferrals would delay their plans to move horses onto the property.

Mr. Bass stated he felt the applicants had a good proposal; however, he also felt the letters of opposition warranted investigation.



There was no opposition present to the deferral.

The following motion was made at Mr. Bass' request.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission, on their own motion, resolved to defer Case 04SN0267 to the August 17 2004, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

**04SN0227:** In Dale Magisterial District, **GELLETLY & ASSOC.** requested rezoning and amendment of zoning district map from Agricultural (A), Residential Townhouse (R-TH) and Light Industrial (I-1) to Residential Townhouse (R-TH) with Conditional Use Planned Development to permit use and bulk exceptions. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 166.4 acres fronting in four (4) places for approximately 4,500 feet on the north line of Courthouse Road, fronting approximately 1,250 feet on the east line of Doublecreek Court and also fronting approximately 6,600 feet on the south line of Route 288 and located in the northeast quadrant of the intersection of Courthouse Road and Doublecreek Court. Tax IDs 763-670-8636, 765-668-7392, 766-668-4150, 767-666-7026 and 767-667-5055 (Sheets 17 and 25).

Mr. Andy Scherzer, the applicant's representative, stated the applicant was agreeable to Mr. Litton's deferral of the request.

There was no opposition to the deferral.

The following motion was made at Mr. Litton's request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission, on their own motion, resolved to defer Case 04SN0227 to the August 17, 2004, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

**04SN0257:** In Bermuda Magisterial District, **CHESTER DEVELOPMENT ASSOCIATES, L.C.** requested rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 - 8.0 units per acre. This request lies on 7.9 acres fronting approximately 435 feet on the south line of De Laval Street and approximately eighty-five (85) feet on the north line of De Laval Street approximately 100 feet east of Womack Road, also fronting approximately 800 feet on the west line of De Laval Street approximately 1,060 feet north of Lee Street. Tax IDs 787-656-3321 and 4161 (Sheet 26).

Mr. Jim Daniels, the applicant's representative, was agreeable to Mr. Wilson's deferral of the request.

There was no opposition to the deferral.

The following motion was made at Mr. Wilson's request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 04SN0257 to the August 17, 2004, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

**04SN0282:** In Bermuda Magisterial District, **RONALD J. ROST** requested rezoning and amendment of zoning district map from Residential (R-7) to Neighborhood Office (O-1). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood commercial use. This request lies on 0.3 acre and is known as 4625 West Hundred Road. Tax ID 787-653-6655 (Sheet 26).

Mr. Ronald Rost, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 04SN0282 and acceptance of the following proffered conditions:

**PROFFERED CONDITIONS**

1. Prior to any site plan approval, forty-five (45) feet of right-of-way on Route 10, measured from the centerline of that part of Route 10 immediately adjacent to the property shall be dedicated, free and unrestricted to, and for the benefit of Chesterfield County. (T)
2. There shall be no direct access from the property to Route 10. Direct access from the property to Buckingham Street shall be limited to one (1) entrance/exit located towards the southern property line. The exact location of this entrance/exit shall be determined by the Transportation Department. (T)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

**04SN0283:** In Clover Hill Magisterial District, **JNB COMPANY OF VIRGINIA, L.L.C.** requested Conditional Use and amendment of zoning district map to permit outside storage in a Community Business (C-3) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use. This request lies on 6.0 acres lying approximately 300 feet off the north line of Hull Street Road, approximately 270 feet west of Winterpock Road. Tax ID 723-672-3645 (Sheet 15).

Mr. John Easter, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 04SN0283 and acceptance of the following proffered conditions:

PROFFERED CONDITION

Any outside storage permitted through this conditional use shall be located within the area shown on Exhibit A. The view of such area shall be minimized through the use of windscreen fabric or other similar material. The exact treatment shall be approved by the Planning Department. (P)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

**04SN0225:** In Clover Hill Magisterial District, **TASCON GROUP INC.** requested rezoning and amendment of zoning district map from Agricultural (A) to Multifamily Residential (R-MF) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 10.0 units per acre is permitted in a Multifamily Residential (R-MF) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 39.6 acres fronting in two (2) places for approximately 560 feet on the west line of Courthouse Road, approximately 1,500 feet south of Smoketree Drive. Tax IDs 743-698-9862; 743-699-7943; 744-698-8198; 744-699-1309, 2760, 6243, 7252, 7715 and 7907 (Sheet 6).

Ms. Peterson presented an overview of the request and staff's recommendation for approval, subject to the applicant addressing the impact of the development on capital facilities, road connectivity to the north and south, enlargement of the existing dwellings along Courthouse Road and the project focal point.

Mr. Andy Scherzer, the applicant's representative, distributed copies of a rendering depicting the layout of the proposed development and addressed concerns relative to the impact of the development on capital facilities, road connectivity to the north and south, enlargement of the existing dwellings along Courthouse Road and the project focal point, citing amendments to proffered conditions. He stated he felt the cited concerns had been adequately addressed, that the spirit and intent of the request exceeded the technical requirements and asked the Commission to forward a favorable recommendation to the Board of Supervisors.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Gulley stated that, after numerous meetings and reviewing staff's comments, he felt the area residents were satisfied. He added the properties to the north of the site were well-established and well-maintained; there would be no access along the drainage line; he did not believe there was a need for access to the north of the site; and the access to the south of the site would not function as a collector through this project but would allow homeowners access to the Food Lion at Lucks Lane. He stated he felt the development would be a quality project and that a recommendation for approval was appropriate.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 04SN0225 and acceptance of the following proffered conditions:

## PROFFERED CONDITIONS

A. The following shall apply to all tracts:

1. Master Plan. The Textual Statement dated February 16, 2004 and last revised June 17, 2004, shall be considered The Master Plan.
2. Zoning Plan. Tracts shall be located as generally depicted on the Zoning Plan, dated February 12, 2004, and last revised June 17, 2004, and prepared by Balzer & Associates, Inc., but the location and size of Tracts A and B may be modified provided the tracts generally maintain their relationship with each other and any adjacent properties. A plan for any such Tract adjustment shall be submitted to the Planning Department for review and approval. Such plan shall be subject to appeal in accordance with provisions of the Zoning Ordinance for Site Plan appeals. (P)
3. Utilities. Public water and wastewater systems shall be used.

B. The following shall apply to Tracts A and B. Upon redevelopment of Tract B-1 for multi-family uses, the following shall also apply to Tract B-1:

1. Density. Density shall not exceed four (4) dwelling units per acre. (P)
2. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
3. Pond. The existing pond shall remain and shall be landscaped or otherwise improved so that it becomes a visual enhancement to, and an amenity for, the development. The exact treatment shall be reviewed and approved by the Planning Department at the time of site or subdivision plan review. (P)
4. Sidewalks. Sidewalks shall be provided on both sides of all street rights of way. The exact treatment and location of these sidewalks shall be approved by the Planning Department at the time of tentative subdivision or site plan review. (P)
5. Streets Trees. Street trees shall be planted along each side of the interior roads and common driveways to include entrance roads from public roads into the development. If existing trees are maintained, they may be counted toward this requirement. (P)
6. Landscaping. Landscaping shall be provided around the perimeter of all buildings, between buildings and driveways, within medians, and within common areas not occupied by recreational facilities or other structures. Landscaping shall comply with the requirements of the Zoning Ordinance Sections 19-516 through 19-518. Landscaping shall be designed to: minimize the predominance of building mass and paved areas; define private spaces; and enhance the residential character of the development. The Planning Department, at the time of site plan and/or subdivision tentative review, shall approve the

landscaping plan with respect to the exact numbers, spacing, arrangement and species of plantings. Trees may be removed from within the setback/buffer areas to facilitate grading and installation of fencing, berming and other construction related activities as approved by the Planning Department. (P)

7. Entrance Fencing. A decorative "wrought iron-style" fence with brick columns shall be provided along Courthouse Road frontage of the Property, such columns are not to be spaced farther apart than sixty (60) feet. (P)
8. Driveways. All private driveways shall be hardscaped. (P)
9. Building Materials. Dwelling units shall be constructed with materials such as brick or stone veneer; composition, hardiplank, or vinyl siding; and 20-year asphalt shingles. The Planning Department may approve the use of other building materials of equal or better quality. (P)
10. Foundation Treatment. All exposed portions of the foundation and exposed piers supporting front porches of each new dwelling unit shall be faced with brick or stone veneer or exterior insulation and finishing systems (EIFS) materials. (P)
11. Garages. For the residential multi-family portion of the development, a minimum of seventy-five (75) percent of the dwelling units shall employ side or rear-loaded garages. For the single family residential portion of the development, the visual impacts of garage doors on single family dwellings facing the street shall be minimized through the use of architectural fenestration and/or orientation. (P)
12. Dwelling Size. All dwelling units shall have a minimum gross floor area of 1200 square feet. (P)
13. Lighting. Light poles shall have a maximum height of fifteen (15) feet and shall be located generally along the interior roads as approved by the Planning Department. (P)
14. Open space/Recreation area. Open space/recreation area shall be provided throughout the development, with a minimum of 0.60 acres in the clubhouse area, to provide a "focal point" as one enters each tract within the project. Should both tracts be developed for multi family residential dwellings only one focal point shall be required. Part of the area shall be "hardscaped" and have benches and other amenities that accommodate and facilitate gatherings. The exact design and location shall be approved by the Planning Department at the time of site plan and/or subdivision tentative review. The clubhouse building and its related recreational amenities shall be developed concurrent with the first phase of development. (P)
15. Restriction on Children's Play Facilities. The common area recreational amenities shall not include playground equipment, play fields or other facilities primarily associated with children's play. (P)

16. Buffer. Within the cluster residential portion of the development, a fifty (50) foot buffer shall be provided along the northern property boundary adjacent to Tax IDs 743-699-2831 and 743-699-5936. Such buffer shall comply with the requirements of the Zoning Ordinance for Sections 19-520 through 19-522 but shall be exclusive of required yards. (P)
17. Landscaped Setback. Within the residential multi-family portion of the development, the required fifty (50) perimeter yard along the northern property boundary shall be planted at one and one-half times the requirements of Perimeter Landscaping C. Further, an additional twenty-five (25) foot setback shall apply to parking, buildings and drives adjacent to the southern boundary of Tax IDs 743-699-2831 and 743-699-5936. (P)
18. Road to South. A public road shall be constructed from Courthouse Road, through the property, to the northern boundary of Tax ID 744-698-3673. A maximum of five (5) private driveways that directly or indirectly serve dwelling units shall have direct access to this public road. The exact location of this road shall be approved at the time of site plan and/or tentative subdivision review. (P)
19. Virginia Condominium Act. All multi-family dwelling units on the Property shall be condominiums as defined and regulated by the Virginia Condominium Act, and all common areas and improvements therein shall be maintained by a condominium association. (P)
20. Impacts on Capital Facilities. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield prior to the issuance of building permit per dwelling unit:
  - a. \$6,199.00 per dwelling unit, if paid prior to July 1, 2004. At the time of payment, the \$6,199.00 will be allocated pro-rata among the facility costs as follows: \$598.00 for parks and recreation, \$324.00 for library facilities, \$4,380.00 for roads, \$419.00 for schools, and \$551.00 for fire stations; or
  - b. The amount approved by the Board of Supervisors not to exceed \$6,199.00 per dwelling unit pro-rated as set forth above and adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2003, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2004.
  - c. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor.
  - d. Should any impact fees be imposed by Chesterfield County at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B&M)
21. Access. Direct access from the property to Courthouse Road shall be limited to one (1) public road. The exact location of this access shall be approved by the Transportation

Department. There shall be no direct access from the property to the adjacent fifty (50) foot wide right of way to the north. (T & P)

22. Road Improvements. Prior to the issuance of an occupancy permit, the owner/developer shall be responsible for the following:
- a. Construction of additional pavement along Courthouse Road at the approved access to provide a right turn lane;
  - b. Construction of an additional lane of pavement along Courthouse Road from the approved access to the southern property line;
  - c. Dedication, free and unrestricted, to and for the benefit of Chesterfield County of any additional right of way required for these improvements. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for these improvements, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)
23. Dedication. All roads that accommodate general traffic circulation through the development (the "Public Roads"), as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. Prior to any site plan approval, forty (40) foot wide rights of way for the Public Roads shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. Prior to the issuance of an occupancy permit, unless otherwise approved by the Transportation Department, the Public Roads shall be constructed and approved for State acceptance. (T)
24. Restrictive Covenants. The following provisions shall be contained in restrictive covenants which shall be recorded for any single family development. Further, the following provisions in the restrictive covenants shall not be modified or amended for a period of at least twenty (20) years following recordation:
- a. No unit shall be used except for residential purposes.
  - b. No accessory buildings shall be erected, placed, or permitted on the premises.
  - c. No noxious or offensive activity shall be carried on upon by any resident, nor shall anything be done thereon which may be, or become, an annoyance or nuisance to the neighborhood.
  - d. No structure of a temporary character, trailer, tent, shack, garage, or other outbuilding shall be used at any time as a residence either temporarily or

permanently, and to this end, any building to be constructed in this development shall be completed within one year from the issue date of it's building permit.

- e. NO CAMPERS, HOUSE TRAILERS, OR BOATS SHALL BE PARKED on the premises, except for loading and unloading activities. No skateboard platforms and, except as otherwise provided by applicable law, no large dish television antennae (exceeding two feet in diameter), or television or radio towers shall be placed on the premises. No dish television antennae shall be visible from the street for the respective residence. (P)
- f. No sign of any kind shall be displayed to the public view on any yard except one professional sign of not more than three square feet and one sign of not more than five square feet advertising the property for sale, and one sign of not more than five square feet a builder to advertise the property during the construction and sales period.
- g. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot except that dogs, cats, or other household pets may be kept therein if they are not kept, bred, or maintained for any commercial purposes.
- h. No part of this development shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste. No rubbish, trash, garbage, and other waste shall be kept by any unit except in sanitary containers, and all equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition. No central dumpsters shall be provided.
- i. Each and every covenant and condition herein imposed may be enforced by the undersigned or by the owner of any unit by appropriate proceedings at law or in equity against any party violating or attempting or threatening to violate the same to prevent or rectify such violation and to recover damages therefore.
- j. The covenants and conditions herein contained shall run with the land and shall be binding upon the subsequent owner or owners of all or any unit and each and every portion of the land shown on the plat and all parties claiming through or under such owner or owners.
- k. All dwelling units shall have washer and dryer hookups.
- l. All residential dwelling units shall have an attached garage containing a minimum of 200 gross square feet. (P)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

**04SN0273:** In Dale Magisterial District, **KAHN PROPERTIES SOUTH LLC** requested amendment to Conditional Use Planned Development (Case 97SN0165) and amendment of zoning district map relative to access. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies



in a Neighborhood Business (C-2) District on 3.0 acres fronting approximately 385 feet on the east line of Iron Bridge Road, also fronting approximately 135 feet on the north line of Centralia Road and located in the northeast quadrant of the intersection of these roads. Tax IDs 772-661-8240 and 773-661-0235 (Sheet 25).

Mr. Clay presented an overview of the request and staff's recommendation denial, noting that the property did not have sufficient frontage on Centralia Road to provide adequate access separation from the Route 10/Centralia Road intersection.

Ms. Gloria Freye, the applicant's representative, did not accept staff's recommendation, noting the applicant wished to be able to access both Route 10 and Centralia Road and was willing to construct a temporary right-in only entrance and would agree to remove the entrance at the time shared access became available; that the temporary right-in only entrance met the criteria for, and was acceptable to, the Virginia Department of Transportation (VDOT) and was an equitable solution for both the applicant and adjacent property owner. She stated the proposal would have no adverse impact on the adjacent property and asked the Commission to forward a favorable recommendation to the Board of Supervisors.

Mr. Jim Theobald, representing an adjacent property owner, voiced opposition to the request, citing the original rezoning requests on the subject property and his client's property to the east, noting that an access plan was developed for both sites, including access to Route 10 and Centralia Road, through which interconnecting driveways were planned to provide internal circulation between the sites and access to both major arterials. He stated that at the time of approval, the Board accepted a proffered condition that no direct access would be provided from the subject property to Centralia Road. He further addressed concerns relative to potential congestion and accidents, adequate access spacing from a signalized intersection and insufficient frontage on Centralia Road for the applicant to be able to provide adequate access separation from the Route 10/Centralia Road intersection and asked the Commission to recommend denial of the request.

**~~No one came forward to speak in favor of, or in opposition to, the request.~~**

Mr. Litton stated, since the applicant's proposal met VDOT requirements; access to the site would be temporary right-in only and the proposed access would reduce congestion at the intersection, he was comfortable recommending approval of the request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 04SN0273 and acceptance of the following proffered condition:

#### PROFFERED CONDITION

The property owner (the "Owner") in this zoning case, pursuant to Subsection 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the Properties known as Chesterfield County Tax Identification Numbers 773-661-0235 and 772-661-8240 (the "Properties") under consideration will be developed according to the following conditions if, and only if, the request for CUPD amendment is granted. In the event the request is denied or approved with conditions not agreed to by the Owner, the proffers and conditions shall immediately be null and void and have no further force or effect.

One (1) temporary right-in only access shall be permitted from Centralia Road, the exact location and design to be approved by the Transportation Department. This temporary right-in only access from Centralia Road shall be closed at such time that an access easement is recorded and a shared access is constructed from Centralia Road, across the adjacent parcel, known as Tax ID 773-661-3333, to the property. (T)

(NOTE: This condition modifies Proffered Condition 7 of Case 97SN0165. All other conditions of approval for Case 97SN0165 remain in effect.)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

**04SN0278:** In Clover Hill Magisterial District, **FINER HOMES, INC.** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 12.1 acres at the eastern terminus of Stroud Lane approximately 780 feet east of Marbleridge Road and at the eastern terminus of Pullbrooke Drive. Tax IDs 747-701-6206, 8905, 8922 and 748-700-0291 (Sheet 6).

Mr. Clay presented an overview of the request and staff's recommendation for approval, subject to the applicant addressing the impact of the proposed development on necessary capital facilities.

Mr. Jeff Collins, the applicant's representative, stated the request was consistent with the Board's Cash Proffer Policy at the time of submittal and the project was infill development; therefore, he did not feel the applicant should have to pay the full amount of the cash proffer per the newly adopted Cash Proffer Policy.

Mr. Gecker opened the discussion for public comment.

Ms. Pam Boyer, a resident of Stroud Lane, expressed concerns relative to the rapid growth within the County and she felt the County was permitting too much development in areas too small to adequately accommodate or cope with the growth.

There being no one else to speak, Mr. Gecker closed the public comment.

Mr. Gulley referenced the timing of the request, noting that during the time the case was under review and citizens meetings being conducted to address concerns, the applicant submitted proffered conditions consistent with the then adopted Cash Proffer Policy; however, during the interim, the Board of Supervisors took action to increase the amount of cash proffers. He stated he felt the applicants proffers were consistent with the Board's previous Policy and he felt the application, as submitted, had adequately addressed capital facilities impacts and a recommendation for approval would be appropriate.

Mr. Litton stated he would be more comfortable with recommending approval if the portion of the cash proffers were consistent with the newly adopted Policy, particularly as they pertained to schools and transportation needs.

Mr. Wilson concurred with Mr. Litton, noting this project would have a significant impact on capital facilities, especially schools and transportation facilities.

Mr. Gecker stated he agreed with Messrs. Litton and Wilson, noting he was inclined to believe the Board's action to increase the amount of cash proffers was intended to mitigate the impact of growth in the County and that this request did not comply with the Board's Policy criteria.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 04SN0278 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. The public water and wastewater systems shall be used. (U)
2. Dwelling units shall have a minimum 1,800 square feet of gross floor area. (P)
3. The exposed surfaces of the foundations of each dwelling shall be covered with brick or stone veneer. (P)
4. The existing pond located toward the south portion of the property shall remain and be used as a SWM/BMP facility. (EE)
5. Access shall be limited to the extension of Stroud Lane and Pullbrooke Drive out of the Briarcliff Subdivision. No access shall be allowed to the section of Stroud Lane that connects to Adkins Road. (T)
6. The maximum allowable density shall not exceed 1.9 units per acre. (P)
7. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of building permit for infrastructure improvements within the service district for the property:
  - A. \$9,000.00 per dwelling unit, if paid prior to July 1, 2004; or
  - B. The amount approved by the Board of Supervisors not to exceed \$9,000.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2003, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2004.
  - C. In the event the cash payment is not used for the purpose for which proffered within 15 years of receipt, the cash shall be returned in full the payor. (B&M)

AYES: Messrs. Gulley and Bass.

NAYS: Messrs. Gecker, Litton and Wilson.

The motion failed due to the lack of a majority vote.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend denial of Case 04SN0278.

AYES: Messrs. Gecker, Litton and Wilson.  
NAYS: Messrs. Gulley and Bass.

**G. ADJOURNMENT.**

There being no further business to come before the Commission, it was on motion of Mr. Litton, seconded by Mr. Wilson, that the meeting adjourned at approximately 8:11 p. m. to August 17, 2004, at 12:30 p. m. the Room 502 of the Administration Building in the Chesterfield County Government Complex.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

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Chairman/Date

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Secretary/Date